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FRIDAY, AUGUST 23, 1918

French Cross Ailette in 7-Mile Gain; Albert Taken by British Onslaught

Newsdealers to Carry Fight for Rights to Court

Lawyer Warns Law Must Newsboys Ask for Be Obeyed in Spite of Mayor's Order

Action Follows Revoking of Permit

Sellers of Newspapers and Counsel to Map Out Campaign This Noon

terday to carry out its threat of revokrefuse to sell "all the papers." William H. Muldoon, Acting Park Commissioner of Brooklyn, revoked the permi of John Williamson, a Borough Hal had refused to accept copie

Warned by John F. Gilchrist, Commissioner of Licenses, that they were 'not serving the public" in refusing to handle "all the papers," the newsdeal ers retained Lemuel E. Quigg as coun rel to fight in the courts for their right loyal American publications.

Quigg declared that "public officials are not authorized to do friendly things for friendly interests," and wrote to Commissioner Gilchrist, inhad refused to sell "the daily papers published in this city," and that injury to his clients at the hands of Mr. Gilchrist would result in such action as the law permitted him to take.

Quigg's Advice to Dealers

sdealers' associatio mr. Quigg explained, "many of them incorporated under the laws of the state. and also by a number of newsdealers individually, who have been threatened by blicemen that their licenses will be taken from them unless at a particular time to-morrow they offer for sale on their stands any and every newspaper that may be published in this city

"I have told them their licenses cannot be revoked on any such ground. The law establishing a Commissioner of Licenses and authorizing him to issue instruments that protect citizens in the use of public places for the public purpose does not mean that they must render a service that is to their loss. Nor does it mean that a license can be revoked upon the caprice of the public official, nor in order to promote the particular business of any particular

"I do not think that the very great "I do not think that the very great discretion given to the Commissioner of Licenses to grant and revoke licenses can be used to revoke a license once granted in order to compel the licensee to enter into a particular form of contract with a third party. The controversy in which my clients are involved is primarily between them and the Hearst newspapers. If the Mayor's view is correct as it has been indicated in his letter to the Commissioner of Licenses and the Park Commissioner, there is still no reason why my clients shall not charge anything they please for anything they sell.

Questions Mayor's Authority

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"I do not think the Mayor has any
authority whatever over the Commissioner of Licenses except to appoint him and remove him. Functions that formerly were in the
Mayor and in the Mayor's Bureau
of Licenses and otherwise distributed are now in the Commissioner
of Licenses, and he must perform
his duty under the law. It is no
more his business to comply with the
Mayor's wishes' than with mine or
with those of any other citizen. That
applies also to the Police Department, whose officers, I am informed,
are threatening my clients.
"The Police Commissioner and the
Commissioner of Licenses and the
Park Commissioner may be more
afraid of the Mayor than they are
of any other citizen. Each must do
his duty according to the law to her here were Questions Mayor's Authority

of any other citizen. Each must do his duty according to the law, and where he steps outside the law to the injury of another citizen I think he is personally responsible and may not hide himself in the shadow of the Mayor.

not hide himself in the shadow of the Mayor.

"For this reason I have addressed to the Commissioner of Licenses the following letters and one similar in substance to the Commissioner of Parks. Public officials are not authorized to do friendly things for friendly interests, and if they do such things to the injury of other per-

Continued on last page

Defence Funds

THE newsboys' unions request contributions to a legal defence They have engaged counsel to take their case to court, besides which many of them are deprived of their means of livelihood. Checks should be made payable to the order of Ernest Bohm, secretary of the Central Federated Union, 1436 Glover Street, West Chester, N. Y., who has consented to act as custodian of the fund.

Physicians Report Cardinal Farley's

General Breakdown Follows Second Attack of Pneumonia

MAMARONECK, N. Y., Aug. 22. - The following bulletin was issued by the physicians in attendance on Cardinal the Mayor; that none of his clients Farley, who is seriously ill at his sum-

"The Cardinal is suffering from hypostatic pneumonia. Temperature, 103; pulse, 104; respiration, 32. His condition is critical

"DR. ERNEST FAHNESTOCK."

Cardinal Farley is fighting the second attack of pneumonia since he went recently to his place for a rest. He had went to Orient Point with his secre-tary, Monsignor Thomas G. Carroll, on May 30 last. Since then Monsignor Carroll has been unremitting in his at-tentions to the aged prelate.

Bolsheviki Declare State of War Exists With United States

Vice-Consul at Petrograd Reports Americans Are Subjected to Persecution

(Special Dispatch to The Tribune) WASHINGTON, Aug. 22. Vice-Consul Imbrie at Petrograd informed the ceived to-day and dated August 2 that he had been informed on that day by the Bolsheviki that a state of war existed between Russia and the United

States.

The flag on the American Consulate was immediately lowered by the American Vice-Consul, who at the same time turned the affairs of the United States in that city over to the care of the Norwegian Consulate. He also notified Americans to leave Russia.

Vice-Consul Imbrie reported that there were in Petrograd on August 2 twenty American citizens, one of whom was under arrest and another in hiding. For ten days previous to August 2, he reported, Americans had been subjected to persecution, their homes had 2, he reported, Americans had been subjected to persecution, their homes had been entered and their property destroyed without any pretext whatever. State Department officials were inclined to the opinion that the report transmitted by Vice-Consul Imbrie was coincident, or nearly so, with the visit of Allied and American officials at Moscow to the Bolshevik Foreign Office to demand an explanation of statements made by Premier Lenine before the Soviet that Russia was in a state of war with the Allies, and that the action taken by the Bolshevik authorities at Petrograd was in consequence of Lenine's declarations.

It is not believed there has been a

quence of Lenine's declarations.

- It is not believed there has been a formal declaration of war against the United States. Foreign Minister Tchitcherin, at Moscow, seemingly had taken pains to avoid the appearance of hostility on the part of the Bolshevik government to the United States.

The 31st Regiment of United States regulars has arrived at Vladivostok from Manila, Secretary Baker announced to-day. This is the second United States regiment to reach Vladivostok.

Couple Slain, Aero Waste Bodies Hurled Vast, Senate From Auto Probers Find

tery Escapes in His Victim's Machine

Man and Woman From Perth Ambov

Eyewitness, Through Opera Confusion and Inexperi-Glass, Sees Pair Drag Body From Car

William Lawson in their home, 125 West Milton Avenue, a quiet residential section of Rahway, N. J., at 2 o'clock yesterday morning. Then they heard the grinding protest of an automobile suddenly stopped. They rushed

They could see the car plainly, for

it stood bathed in a flood of moonlight front of the home of the Rev. Frank oore, 123 West Milton Avenue, just the intersecting street. Figures Condition Critical car, and Mrs. Lawson got her opera glasses and through them, as though at half drag, half carry the body of another man from the wheel seat of the nachine and deposit it in the gutter. Then she saw one of the men-short and squat, wearing light clothes-walk leisurely around in front of the car, adjust something and then climb into the driver's seat

At the same time the Rev. Mr. Moore, who also had been awakened by the 'planes may be hoped for."

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Murderer in Rahway Mys- Millions Lost in Blunders at Start, Sub-Commit-

> Cabinet Director Of Aircraft Urged

tee Reports

ence Blamed for Delays in the Programme

tee which investigated aircraft producing indictment against those formerly at the head of the air program

Failure to adopt proved foreig 'planes and moters, instead of embark are cited as having had most to d with the delays which the air gramme suffered during the early

itself to condemnation, however. It shots, stood in his window, much nearer among its recommendations is the crethe scene, and, in whispers, described ation of a distinct department of aviover the telephone to Police Headquar- ation, with a new member of the Presi-

"While an army of three and a half million has been raised, the nircraft situation is as follows," the report states:
"Six hundred and one De Haviland

Continued on page four

Germany at Last Tells Her People U. S. Has 1,300,000 Men in France

AMSTERDAM, Aug. 22 .- At last the German press has given struggling against the truth. In a short notice, which appears in virtually all the papers, the identical nature of which suggests official inspiration, the reluctant admission is made that Secretary Baker's figures regarding the strength of the American forces in

One or two papers add the lame explanation that their former figures were based on the position prior to May, and that the really big shipments of men from America began since then.

The papers now comfort themselves with the thought that of the 1,300,000 or more Americans only 400,000 are actually in battle array, with 300,000 behind the front, and that the remaining 600,-000 are Etappen troops (engineers, railway men and general

The Berlin "Taeglische Rundschau" adds as its own information that no more than 150,000 Americans have up to the present been "noticed" on the West front.

U. S. Tightens Foe Fleeing Vesle Hold by In Panic at Quick Thrust Some Points

Americans, West of Fismes, Retreat Continues With In-Wipe Out Gun Nest, Taking Prisoners

deavored to wrest the tannery from the Americans taking three prisoners at one

creased Speed as French

Dominate the Ailette

WITH THE FRENCH ARMY

hands of the French to-day, giving them command of the valley of the Ailette

General Humbert's troops also are occupied the height of Plemont, just south of Lassigny, which they surrounded yesterday, they have captured Thiescourt, which completes the con Thiescourt Massif. The enemy now has but a precarious hold on the valley of the Divette River, in which French cavalry is now operating.

been taken since Wednesday evening, and trophics in such great quantities that it has been impossible thus far to count them also have been captured. General Mangin's troops advanced seven miles during the night, and this morning were rushing the enemy's rear guard so energetically that the retiring columns were thrown into con-

So hot on their heels was the French advance guard that the Germans had no time to destroy the bridges behind them over the Oise. others only partly distroyed.

wagon trains could be seen across the the River Somme.

Major Thaw's Brother to the south another British force, The country is flat and the railroad

WITH THE AMERICAN ARMY IN and had already captured a thousand FRANCE, Aug. 22. - Lieutenant A. Blair prisoners. Thaw, of Pittsburgh, a member of the The Germans are retreating from the to the Ancre, the armies in battle have American Aviation Service, was killed section between the two points where been sweeping backward and foras a result of engine trouble.

lapsed, upside down. Thaw was in- who are pressing the enemy hard. stantly killed and his companion aviator was bodly injured.

Thaw had just been promoted to Along the Arras-Albert railway em- and Puisieux-au-Mont. command a flying squadron. The body bankment and on both sides of it heavy Word has just been received that was buried in the same plot where the fighting continues. tery, accompanied by Major William well to the east of the embankment, persed. Thaw, a brother, and Mrs. Benjamin and were reaching out similarly at

Allies Capture 20,000 Men, 200 Guns in 4 Days

Mangin, in 26-Mile Blow From Soissons to Lassigny, Captures Thousands of Prisoners and Many Villages, Inflicting Big Losses on Enemy

Haig's Men Make Gain of Two Miles; Foe Reported To Be in Full Retreat

Teutons Retiring Hurriedly on Both Fronts and Probably Must Give Up Entire Line of Positions From Soissons to Below Bapaume

August 23, 2:30 A.M.

The French yesterday continued their smashing advance along the twenty-six-mile front from Lassigny to Soissons, gaining seven miles at some points, and capturing many villages and thousands of prisoners. They crossed the Ailette River, reached the Oise on a wide front, and crossed the Oise east of

The British launched a new attack on a six-mile front between the Somme and the Ancre, capturing Albert and advanc-

Germans Retiring in Great Haste

The Germans are retiring hurriedly on both fronts at-Bretigny, midway tacked-east of Albert and before the French Third and Tenth armies-and it seems certain they must also withdraw from the whole great salient between these two fronts.

Five thousand prisoners have been taken by the British in the last two days. The French captures are probably almost 10,000. In the last four days the Allies are believed to have taken well over 20,000 men. Two hundred guns have been taken since August 20 by General Mangin's army alone.

North of Soissons the French have almost reached the from the region of Coucy-le-Château to winter line of 1917-'18. In crossing the Ailette the French stampeded one German division, and another division coming pressing the enemy vigorously. Having up to relieve it also fled in confusion.

Many Villages Captured by French

Villages captured by the French include Quierzy, Selens, quest of the group of hills known as the Bagneux, Epagny, Brieuxy, Vaurezis and Pommiers. On their left they reached the Divette River from Evricourt to its mouth.

The British in their new attack pressed forward between Albert and Bray-sur-Somme, gaining their objectives and in-Several thousand prisoners have flicting huge losses on the enemy.

In sharp fighting along the front north of Albert the British made new gains against desperate resistance, wresting the village of Achiet-le-Grand from the enemy after it had changed hands several times.

British Inflict Terrible Losses In Day's Battle South of Arras

FRANCE, Aug. 22 (8:30 p. m.).-There valuable lost positions. While the German rearguard was has been fierce fighting to-day along a A counter attack this afternoon making a last stand to protect the large section of the British front, to north of Courcelles was completely

torious. The battle north of the Ancre so. The value of the positions along raged all day long, while 10,000 yards the embankment can readily be seen which crossed the Ancre during the runs along the top of a high made-to-Killed in Air Crash night and opened an attack at day- order ridge, which overlooks and conbreak, was driving steadily into the trols considerable shell-cleaned ground enemy positions on the high ground on either side of itbetween Bray-sur-Somme and Albert,

Foe Suffers Heavy Losses

remains of Major Raoul Lufbery are On the northern half of the battle- counter attack against the British interred. Airplanes wheeled overhead front the British stormed enemy posi- positions on the outskirts of Mirauwhile the funeral service was being tions and captured them, inflicting ter- mont, but after sharp fighting were conducted. The casket afterward was rible losses on the enemy. Then they driven off. In the face of streams of placed on a flower-covered truck, pushed eastward at various points, bullets from blazing machine guns the which proceeded slowly to the ceme- They occupied Hamelincourt trench, German ranks withered or were dis-

Some of these were found intact, WITH THE BRITISH ARMY IN the enemy in an effort to regain his down desperate attacks launched by

crossing of the stream, long lines of the south of Arras, virtually through to broken down by the British before the Boche gained a single foot of ground. river encumbering the roads leading to Again the British have been vic- despite his evident determination to do

British Enter Miraumont

To the south, from Achiet-le-Grand Sunday evening, when his airplane fell the British armies are hammering them ward, attacks and counter attacks beand where they are threatened with ing repeated again and again. British Lieutenant Thaw was travelling in a being left in a pocket. The town of patrols have been in Miraumont, but pursuit group. His machine fell 2,000 Albert is unofficially reported to have at the moment it appears that the feet, struck telephone wires and col- fallen into the hands of the British, British lines are actually a few hundred yards west of that town, in the neighborhood of Beauregard and Dovecote, on the road between Miraumont

the Germans launched another vicious

The British are still west of Achiet-Thaw, mother of the dead aviator. other points, at the same time beating le-Grand, but patrols have been in the

a cold, and was advised by his physicians to give up all work not essential. The Cardinal is seventy-seven years old, and his ills have led to a general breakdown. The first attack of pneumonia sapped his vitality to an alarming extent, but Dr. McParlan hoped he would recover his strength. Three years ago the Cardinal suffered from heart trouble, and in September last he had an attack of diabetes. He went to Orient Point with his secre-

